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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,089	09/10/2003	Lee Jen Chen	MXIC-P910270	6595
7590	01/26/2005	EXAMINER		
HOANG, QUOC DINH			ART UNIT	
Irvine, CA 92618			PAPER NUMBER	

2818

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/661,089	CHEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Quoc D Hoang	2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 13 December 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.  
 5) Claim(s) 1 is/are allowed.  
 6) Claim(s) 2,6,8 and 11-17 is/are rejected.  
 7) Claim(s) 3-5,7,9,10 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II (claims 1-17) in the reply filed on 12/13/2004 is acknowledged.

### ***Claim Objections***

2. Claims 2-17 are objected to because of the following informalities:

Claim 2, lines 1, the term "a passivation layer" should be –a glass passivation layer.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 6, 8 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu et al (U.S. Pat No. 5,702,980) ("Yu").

Regarding claim 2, Yu teaches a method for mitigating defect formation in a passivation layer of a semiconductor device, the method comprising: forming a glass layer 18 upon a substrate 10 (col. 3, lines 5-25 and Fig. 3); and forming a cap oxide layer 30 upon the glass layer 18 (col. 3, lines 25-50 and Fig. 4).

Regarding claim 6 , Yu teaches wherein forming the cap oxide layer 30 upon the glass layer 18 comprises forming the cap oxide layer 30 via a chemical vapor deposition process (col. 3, lines 25-50 and Fig. 4).

Regarding claim 8 , Yu teaches wherein forming a cap oxide layer 30 upon the glass layer 18 comprises forming an undoped oxide layer 30 upon the glass layer 18 (col. 3, lines 25-50 and Fig. 4).

Regarding claims 11-16, Yu teaches wherein the cap oxide layer 30 is formed to have a thickness greater than 300 Angstroms (col. 3, lines 25-50 and Fig. 4).

Regarding claim 17 , Yu teaches wherein forming the cap oxide layer 30 comprises forming at least one of inter-layer dielectric, inter-poly dielectric and inter-metal dielectric layers (col. 3, lines 25-50 and Fig. 4).

*Allowable Subject Matter*

5. Claim 1 is allowed.
6. Claims 3-5, 7, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: Claim 3 recite, inter alia, wherein forming a glass layer comprises forming a phosphosilicate glass layer. The art of record does not disclose or anticipate the limitation in combination with other claim element nor would it be obvious to modify the art of record so as to form a device including the above limitation.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc Hoang whose telephone number is (703) 306-5795. The examiner can normally be reached on Monday-Friday from 8.00 AM to 5.00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (703) 308-4910. The fax phone numbers of the organization where this application or proceeding is assigned are (703) 746-4016 for regular communications and (703) 746-4016 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Quoc Hoang *h*  
Patent examiner/AU 2818

  
David Nelms  
Supervisory Patent Examiner  
Technology Center 2800